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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,499	04/09/2004	James D. Webb	P-11232.00	1416

27581 7590 04/14/2008

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EXAMINER	
COBANOGLU, DILEK B	
ART UNIT	PAPER NUMBER
3626	
MAIL DATE	DELIVERY MODE
04/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/821,499	WEBB ET AL.	
	Examiner	Art Unit	
	DILEK B. COBANOGLU	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 January 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/11/2005,11/02/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This communication is in response to the amendment received on 01/02/2008. Claims 1-20 remain pending in this application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (hereinafter Nelson) (U.S. Patent No. 6,480,745 B2) in view of Stawikowski et al. (hereinafter Stawikowski) (U.S. Patent Publication No. 2002/0046239 A1).

A. Claim 1 recites a system for exchanging medical data, the data exchange system comprising:

i. means for acquiring medical data (Nelson; col. 5, lines 14-31);

ii. means for handling medical data wherein medical data may be stored, analyzed, or displayed (Nelson; col. 7, lines 21-39);

iii. one or more web services for performing a data exchange function between the means for acquiring medical data and the means for handling medical data

Nelson fails to expressly teach the web services for performing a data exchange function. However, this feature is well known in the art, as evidenced by Stawikowski.

In particular, Stawikowski discloses web services for performing a data exchange function (Stawikowski; abstract, paragraphs: 0001-0002, 0004-0005).

It would have been obvious to one having ordinary skill in the art at the time of the invention to include the aforementioned limitation as disclosed by Stawikowski with the motivation of to be able to exchange data directly on an IP network (Stawikowski; paragraph: 0006).

The same motivation is appropriate for dependant claims 2-18.

B. Claim 2 recites the system of claim 1 and Stawikowski discloses one of the one or more web services is a translation web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006).

C. Claim 3 recites the system of claim 2, Stawikowski discloses the translation web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006) and Nelson discloses an input method for receiving medical data in a first format and an output method for returning medical data to an invoking application in a second format (Nelson; col. 11, lines 11-45).

D. Claim 4 recites the system of claim 1 and Stawikowski discloses one of the one or more web services is an analysis web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006).

E. Claim 5 recites the system of claim 4, Stawikowski discloses the analysis web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006) and Nelson

discloses an analysis method for performing a requested data analysis function on the specified data and returning the analysis results to an invoking application (Nelson; col. 7, lines 7-21, col. 11, lines 11-45).

F. Claim 6 recites the system of claim 1, Stawikowski discloses one of the one or more web services is a storage web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006).

G. Claim 7 recites the system of claim 6, Stawikowski discloses one of the one or more web services is a storage web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006) and Nelson discloses a method for writing data to a data storage system (Nelson; col. 10, line 59 to col. 11, line 10).

H. Claim 8 recites the system of claim 6 wherein the storage web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006) and Nelson discloses a method for retrieving data from a data storage system (Nelson; col. 10, line 59 to col. 11, line 10).

I. Claim 9 recites the system of claims 7 or 8, wherein the data storage system is any of a relational database system; a file system; an XML file system, or a medical device (Nelson; col. 10, line 59 to col. 11, line 10).

J. Claim 10 recites the system of claim 1 wherein one of the one or more web services is a multifunction web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006).

K. Claim 11 recites the system of claim 10 wherein the multifunction web service invokes any of a translation web service, an analysis web service, and a storage web service (Stawikowski; paragraph: 0001-0002, 0004-0005, 0006).

L. Claim 12 recites the system of claim 11 wherein the multifunction web service is a data log service for informing a first data storage system of a new data set entered into a second data storage system (Stawikowski; paragraph: 0031, 0036).

M. Claim 13 recites the system of claim 12 wherein a new data set comprises a record of a monitoring session performed by a medical device (Nelson; abstract, col. 10, line 59 to col. 11, line 10).

N. Claim 14 recites the system of claim 11 wherein the multifunction web service is a session retrieval service (Stawikowski; paragraph: 0031, 0036) and for retrieving monitoring session data recorded by a medical device and stored in a data storage system (Nelson; abstract, col. 10, line 59 to col. 11, line 10).

O. Claim 16 recites the system of claim 1 wherein the means for acquiring medical data is an external medical device having telemetric communication with an implantable medical device for receiving data from the implantable medical device and storing the data (Nelson; abstract, col. 10, line 59 to col. 11, line 10).

P. Claim 17 recites the system of claim 1 wherein the means for acquiring medical data is an external monitoring or therapy delivery device capable of acquiring and storing medical data (Nelson; abstract, col. 5, line 66 to col. 6, line 34).

Q. Claim 18 recites the system of claim 1 wherein the means for acquiring medical data is an implantable medical device (Nelson; abstract, col. 5, line 66 to col. 6, line 34).

R. Claim 19 recites a system for exchanging medical data, the data exchange system comprising:

i. a first means for handling medical data wherein medical data may be stored, analyzed or displayed and wherein first medical data handling means is provided with a communication connection (Nelson; abstract, col. 5, lines 14-31, col. 7, lines 21-39);

ii. a second means for handling medical data wherein medical data may be stored, analyzed, or displayed and wherein second medical data handling means is provided with a communication connection (Nelson; abstract, col. 5, lines 14-31, col. 7, lines 21-39);

iii. one or more web services for performing a data exchange function between the first and second data handling means via a communication connection.

The obviousness of modifying the teaching of Nelson to include the one or more web services for performing a data exchange function (as taught by Stawikowski) is as addressed above in the rejection of claim 1 and incorporated herein.

S. Claim 20 recites a system for exchanging data between a medical device and a remote data handling system, the data exchange system comprising:

i. a medical device capable of storing medical data and transferring the data via a communication connection (Nelson; abstract, col. 5, lines 14-30, col. 5, lines 14-31, col. 7, lines 21-39);

ii. means for electronically storing data in a remote data handling system and for receiving data from the medical device via the communication connection (Nelson; abstract, col. 5, lines 14-30, col. 5, lines 14-31, col. 7, lines 21-39);

iii. one or more web services for performing a data exchange function wherein the web service may be invoked by an application running on the medical device or on the remote data handling system to allow data to be exchanged between the medical device and the remote data handling system.

The obviousness of modifying the teaching of Nelson to include the one or more web services for performing a data exchange function (as taught by Stawikowski) is as addressed above in the rejection of claim 1 and incorporated herein.

4. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (hereinafter Nelson) (U.S. Patent No. 6,480,745 B2), Stawikowski et al. (hereinafter Stawikowski) (U.S. Patent Publication No. 2002/0046239 A1) and further in view of Official Notice.

A. Claim 15 recites the system of claim 11 wherein the multifunction web service is an enrollment web service for registering a patient or medical device

record newly enrolled in a first data storage system into a second data storage system.

Nelson and Stawikowski do not explicitly disclose an enrollment web service for registering a patient or medical device.

However, the Examiner takes official notice that it was well known in the information network arts to registering a patient and/or medical device in a web service. The motivation would have been to obtain and provide information about the patient and/or the medical device securely and more efficiently.

Response to Arguments

5. Applicant's arguments filed 1/2/2008 have been fully considered but they are not persuasive. Applicant's arguments will be addressed below in the order in which they appear.

A. In response to Applicant's argument about Nelson does not teach "the data exchange system including one or more web services for performing a data exchange function" per se, because Nelson is more directed to "A communication system is provided which permits of communication between an deployed implantable medical device (IMD) and a computing resource capable of storing and distributing patient and device data." (Nelson; abstract); Examiner respectfully submits that at the time of this application "data exchange system having one or more web services" was well known in the

communications/networking art by the ordinary skill in the art, as evidenced by Stawikowski. Stawikowski teaches "…a communication system on an IP network (50) between an automation equipment (10) and one or more remote devices (30). The communication system is based on the Simple Object Access Protocol (SOAP) for the purpose of providing the remote device (30) with automation equipment (10) supervision, display, control, configuration or programming functions. The automation equipment (10) comprises at least one WEB service (21) and/or one WEB client (22) able to interact with a program (20) of the automation equipment (10), capable of decoding messages received (51, 54) from the IP network (50) encoded according to the SOAP protocol and capable of encoding messages to be sent (52, 53) according to the SOAP protocol. A service description document (61), accessible to a remote device (30, 30") describes the capacities of one or more WEB services (21) implanted in an automation equipment (10). This document may be stored or constructed dynamically by a generator (62)." (Stawikowski; abstract).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DILEK B. COBANOGLU whose telephone number is (571)272-8295. The examiner can normally be reached on 8-4:30.

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher L. Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. B. C./
Examiner, Art Unit 3626

/C Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626